

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 33893 of 2006(I)

AGAINST THE ORDER IN EP.NO.252/04 IN
PL.91/2003 of PRL.SUB COURT,THRISSUR
.....

PETITIONER: JUDGMENT DEBTOR

M/S. LITTLE FLOWER BOOK, REPRESENTED BY
ITS PROPRIETOR, SRI. JOSE A. KUNJAPPU,
KUNJAPPU HOUSE, ELTHURUTH P.O., TRICHUR.

BY ADV. SRI.PHILIP M.VARUGHESE

RESPONDENT: DECREE HOLDER

STATE BANK OF INDIA,
TOWN BRANCH, POOMA BUILDINGS,
M.G.ROAD, TRICHUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.SASIDHARAN NAMBIAR, J .

W.P.(C)NO.33893 OF 2006

DATED THIS THE 16th DAY OF JANUARY, 2007

JUDGMENT

Petitioner is judgment debtor. Respondent is decree holder. This petition is filed under Article 227 of Constitution of India challenging Ext.P2 sale proclamation. The contention of petitioner was that he had filed objection to the notice served under Rule 66 of Order XXI contending that he has no saleable interest in the decree schedule property, as the property was sold in execution of another decree and learned Sub Judge did not consider the objection and therefore the sale proclamation is to be quashed.

2. Learned Counsel appearing for respondent pointed out that the property sought to be sold is the mortgaged property. If petitioner is not having any interest to be sold over the property, he need not worry about the sale. I find no illegality or irregularity in the order for proclamation and sale.

Petition is dismissed.

M.SASIDHARAN NAMBIAR, JUDGE

Acd

